UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 JUN 27 AM 10: 29

UNITED STATES OF AMERICA, Plaintiff, v. **Jesus GONZALEZ-Mendoza,** Defendant	Magistrate Docket No. '08 MJ 1970 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 26, 2008** within the Southern District of California, defendant, **Jesus GONZALEZ-Mendoza,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **27th** DAY OF **JUNE, 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jesus GONZALEZ-Mendoza

PROBABLE CAUSE STATEMENT

On June 26, 2008, Acting Supervisory Border Patrol Agent J. Montiel was assigned to line watch duties in an area approximately twelve miles east of the Otay Mesa, California Port of Entry and two miles north of the International Border between the United States and Mexico.

At approximately 1:00 p.m. Agent Montiel responded to the activation of a seismic intrusion device. Upon arriving in the area, Agent Montiel observed three individuals attempting to conceal themselves in some dense underbrush next to a trail. Agent Montiel identified himself to the individuals as a Border Patrol Agent and questioned them to determine their citizenship and immigration status. All three, including one later identified as the defendant **Jesus GONZALEZ-Mendoza**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to legally enter and or remain within the United States. All three subjects were arrested and transported to the Brown Field Border Patrol station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 13, 2005** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.